

Docket No. 524022000100

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Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Dexu ZHU, et al.

Serial No.: 09/975,136

Filing Date: October 10, 2001

For: METHODS AND COMPOSITIONS FOR
TREATING OR PREVENTING
BACTERIAL INFECTION

Examiner: Paul A. Zucker

Group Art Unit: 1623

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

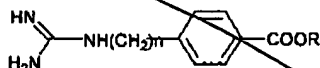
Dear Sir:

Per a teleconference between the Examiner and the undersigned today (December 26, 2002), the undersigned submits this Supplemental Amendment. As agreed upon, the amendments of claims 1, 16-18 and 20 place the pending claims into form of allowance.

In the claims:

Please replace claims 1, 16-18 and 20 with the following clean set of amended claims 1, 16 and 20. A version with markings to show changes made is included in Exhibit A. A courtesy copy of all pending claims 1-21 is also included in Exhibit B.

1. (Twice Amended) A compound, or a pharmaceutically acceptable salt thereof, having the following formula I:



sd-125134

MORRISON & FOERSTER LLP

Attorneys at Law
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

FAX RECEIVED
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GROUP 1600

To: Examiner Paul A. Zucker, Group 1623
USPTO.

Facsimile: (703) 746-5311
Phone: (703) 306-0512

From: Peng Chen

Date: December 26, 2002

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Comments:

Re: SUPPLEMENTAL AMENDMENT for
U.S. Patent Application Serial No. 09/975,136
Filed: October 10, 2001
For: METHODS AND COMPOSITIONS FOR TREATING OR PREVENTING
BACTERIAL INFECTION
By: Dexu ZHU, et al
Our reference: 52402-20001.00

Regards,

Peng Chen

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PTO/SB/71 (08-00)
Approved for use through 10/31/02. OMB 0635-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/975,136	
	Filing Date	October 10, 2001	
	First Named Inventor	Dexu ZHU, et al	
	Group Art Unit	1623	
	Examiner Name	Paul A. Zucker	
Total Number Of Pages In This Submission	10	Attorney Docket No.	524022000100

ENCLOSURES (check all that apply)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Supplemental Amendment, 7 pgs | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement; PTO form 1449; Intl Search Report; References (49) | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks



25225

PATENT, TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Peng Chen Registration No. 43,643
Signature	
Date	December 26, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION

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Rhea Amid

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sd-98729

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PTO/SB/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0032

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FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/975,136
Filing Date	October 10, 2001
First Named Inventor	Dexu ZHU et al
Examiner Name	Paul A. Zucker
Group Art Unit	1623
Attorney Docket No.	524022000100

TOTAL AMOUNT OF PAYMENT(\$)**9.00****METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: **03-1952, ref. 524022000100**
Deposit Account Name: **Morrison & Foerster LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)(\$)**0.****2. EXTRA CLAIM FEES**

Total Claims	21	- 20** =	1	Extra Claims	Fee from below	Fee Paid
Independent Claims	1	- 3** =	0	x		\$ 9.00
Multiple Dependent						\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	64	202	42	Independent claims in excess of 3
104	260	204	140	Multiple dependent claims, if not paid
109	64	209	42	**Reissue independent claims over original patent
110	16	210	8	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)(\$)**9.00**

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	450	243	230	Design issue fee	
144	520	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)(\$)**0.****SUBMITTED BY**Name (Print/Type) **Peng Chen**Registration No.
(Attorney/Agent)

43,543

Complete (if applicable)

Telephone (858) 720-5117

Signature

Date **Dec. 26, 2002**

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